

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 1:21-cr-01419-JB

JAMESON BEGAYE,

Defendant.

ORDER DENYING MOTION FOR FURLOUGH

THIS MATTER is before the Court on defendant Jameson Begaye's Opposed Motion for Furlough to Attend Funeral, filed on December 2, 2021. Doc. 29. Mr. Begaye is seeking to be released from custody for 54 hours to attend his son's funeral. *See id.* The United States opposes the motion. Doc. 31. U.S. Pretrial Services' position is unknown. Doc. 29 at 2. The Court denies Mr. Begaye's motion for the following reasons.

Mr. Begaye is in custody on a charge of second-degree murder. Doc. 21. The Court decided to detain Mr. Begaye after a preliminary hearing, during which the government presented substantial evidence regarding the charge against Mr. Begaye and his behavior when he was apprehended. *See* Doc. 10; Doc. 12 at 3. Based on the evidence presented and the information in the pretrial services report, the Court concluded that Mr. Begaye was both a flight risk and a danger to the community. *See* Doc. 12 at 2–3. The Court based these findings on its conclusion that the weight of the evidence against Mr. Begaye was strong and that he would be subject to a lengthy period of incarceration if convicted, as well as his history of violence or use

of weapons, his history of alcohol or substance abuse, and his prior attempt to evade law enforcement. *See id.* The Court further explained:

Defendant has multiple arrests for domestic violence-type offenses for which the disposition is unknown. The evidence presented at the hearing showed that defendant attempted to force his way into his ex-girlfriend's home, that he became involved in an altercation with his ex-girlfriend's father while doing so, and that he shot and killed his ex-girlfriend's father. A couple days later, once tribal police had identified defendant as the suspect, the defendant led the police on a high-speed chase and shot at one of the law enforcement officers in pursuit. Defendant admitted that he had been drinking and was high on meth when he was apprehended.

Id. at 3. The government's response describes even more fully the chase and its concerning nature. Doc. 31 at 1–2. Although the Court sympathizes with Mr. Begaye's desire to be at his son's funeral, nothing in his motion alleviates the Court's concern that Mr. Begaye poses a grave danger to the community and is a substantial flight risk. *See* Doc. 29. Indeed, the Court is concerned that Mr. Begaye's temporary release from custody to the same community in which almost all his criminal activity has occurred and under such emotional circumstances would lead to substance abuse and possibly violence and/or flight.

IT IS THEREFORE ORDERED that defendant Jameson Begaye's Opposed Motion for Furlough to Attend Funeral (Doc. 29) is DENIED.

DATED this 6th day of December 2021



Laura Fashing
United States Magistrate Judge